

STATE OF ALABAMA
FRANKLIN COUNTY

CITY OF RED BAY

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
DECEMBER 6, 2004

The City Council of Red Bay met in a regular meeting December 6, 2004, at 7:00 p.m.

Present and presiding was Mayor Tommy G. Nelson and Council Members present were Bobby Nelson, Rayford Seahorn, Pat Hammock, Ann Wilkins, and Jeff Reid.

Shirley J. Cody, City Clerk, was present and recording.

Jeff Reid led the Invocation.

Ann Wilkins led the Allegiance to the Flag.

Others present were Police Chief Pat Creel, City Inspector Bob Hardin, Fire Chief Bud Strickland, and Attorney Chris Hamilton.

Chief of Police Pat Creel was introduced and Welcomed to Red Bay. He stated he appreciated the opportunity to serve the people of Red Bay and he believed we are going to have a good working relationship.

Council agreed that Fire Chief Bud Strickland keep the '99 Chevrolet police car for the fire department.

Pat Hammock made a motion to approve ½ page annual Christmas ad with color in the Red Bay News Edition to be published December 15 in the amount of \$408.00, seconded by Ann Wilkins. Unanimously passed.

Rayford Seahorn made a motion to advertise for three weeks and sell a wrecked police car, and an old bread truck that is parked at the shop, seconded by Bobby Nelson. Unanimously passed.

Jeff Reid made a motion to do repairs on fence in the amount of \$3,827.49, and dug out gates in the amount of \$704.00 at Dixie Youth in February 2005. The motion was seconded by Ann Wilkins. Unanimously passed.

The pay scale list for city employees given to the council previously was agreed to be OK.

Jeff Reid made a motion to accept RESOLUTION #04-12-06, SOLID WASTE MANAGEMENT PLAN, signed and returned to Hankins Engineering to be forward to ADEM.

The motion was seconded by Ann Wilkins. Unanimously passed.

The Sewage Board met on 11-24-04, and made a motion and passed to file for a sewer grant from 7th Ave SE from behind the Wilemon house to the Red Bay gym. The estimated cost is \$40,000.00. Rayford Seahorn made a motion to file for sewer grant through NACOLG, seconded by Jeff Reid. Unanimously passed.

Received a letter of transmittal from Burt Hankies on a new sewer plant completed by Heath Reed on November 11, 2004. The cost would be \$7,750,000.00.

The cell phone charged to the police department is under contract and the Tex. messages of \$26.00 was paid by Reb Boatwright. He has to call to get it changed out of his name to the name of the new police chief. Bobby Nelson made a motion for this to be done, seconded by Jeff Reid. Unanimously passed.

Rayford Seahorn made a motion to review the Ordinance from Huntsville concerning dogs in the city limits and be prepared to act on this January 17, 2005 meeting, seconded by Pat Hammock. Unanimously passed.

Bobby Nelson made a motion to donate \$1,000.00 to the Red Bay Football Team on expenses to the Capital One Bowl Game in Orlando, Fl. The motion was seconded by Jeff Reid. Unanimously passed.

Mr. Billy Crutchfield reported the audit prepared by Mike Dozier on the Red Bay Housing was very good.

A letter from the office of the Attorney General dated January 3, 1978 regarding employee's regular compensation was read. Rayford Seahorn made a motion to go into "Executive Session", seconded by Pat Hammock. Unanimously passed.

Rayford Seahorn made a motion to return to regular session, seconded by Jeff Reid. Unanimously passed.

Attorney Brian Hamilton reported no action was taken and no votes were cast and the Sunshine law was adhered.

Bobby Nelson a motion to pay a 2% lump sum to city employees on December 9, 2004, as a employee's regular compensation, seconded by Ann Wilkins. Unanimously passed.

Jeff Reid made a motion to reappoint Richard Hammock and J.M. Page to the Industrial Board, seconded by Rayford Seahorn. Unanimously passed.

The Railroad Pac Board agreed for Bud McNatt or anyone else could get off and on to his property at his own expense but they would not give a lease of no term or sale off railroad right of way. Rayford Seahorn made a motion to accept the board's decision, seconded by Bobby

Nelson. Unanimously passed.

Municipal Court Reports by Court Clerk Cynthia Green were given to each council member.

Shirley Cody retires on December 29, 2004. Rayford Seahorn made a motion to go into "Executive Session", seconded by Bobby Nelson. Unanimously passed.

No action was taken in "Executive Session"

Pat Hammock made a motion to return to regular session, seconded by Bobby Nelson. Unanimously passed.

Rayford Seahorn made a motion to hire Linda Holcomb as City Clerk to replace Shirley Cody so training can begin, seconded by Ann Wilkins. Unanimously passed.

Roy Gober with the Franklin County Emergency Management applied for a grant in the amount of \$15,000.00 with a 25% match which would be \$3700.00 for two new more modern weather sirens that would reach ½ mile radius. Bobby Nelson made a motion to pay Red Bay's portion of \$3700.00, seconded by Rayford Seahorn. Unanimously passed.

Hazard Material Franklin County Technical Response Team needs operating money for replacement of supplies stored at Station #2 in Russellville in the amount of \$1,000.00 per year. Bobby Nelson made a motion to give \$1,000.00 per year, seconded by Rayford Seahorn. Unanimously passed.

Cheryl Winchester requested a \$1,000.00 donation for the school library. Rayford Seahorn made a motion to grant her request of \$1,000.00, seconded by Ann Wilkins. Unanimously passed.

Ann Wilkins asked about the cost of family insurance. The amount was given. If the city paid 1/3 of family rate coverage, what would the cost be? Information will be available for the next council meeting.

RESOLUTION #04-12-06A, Agenda Time and Date, was introduced. Anyone desiring to be on the agenda must do so by Wednesday noon before council meets on the following Monday night. The agenda is to be ready by Thursday noon. Jeff Reid made a motion to put Resolution #04-12-06A in effect, seconded by Rayford Seahorn. Unanimously passed.

Jeff Reid made a motion to approve a road block on December 18, for the football team, seconded by Rayford Seahorn. Unanimously passed.

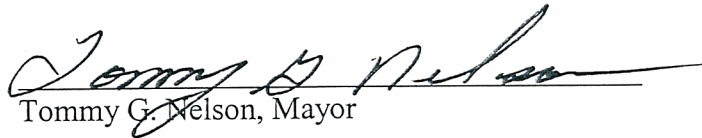
Jeff Reid made a motion to approve bills, seconded by Bobby Nelson. Unanimously passed.

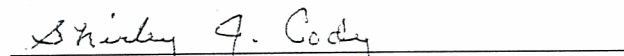
Bobby Nelson made a motion to approve the minutes of November 15, 2004, seconded by Pat Hammock. Unanimously passed.

Comments were made about water problems because culverts are too small, center street lines not being visible, and fire hydrants.

A question was asked. Do board members of the various city boards make decisions on their own or are they required to make recommendation to the council for council approval? Decisions has to be approved and passed by the council.

Bobby Nelson made a motion to adjourn, seconded by Ann Wilkins. Unanimously passed.


Tommy G. Nelson, Mayor


Shirley J. Cody, City Clerk

Reid
11-16-04

Honorable Jerry L. Tolbert
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state. Your question is answered in the affirmative.

The building of a facility for use as a municipal building is unquestionably a proper function. This particular proposal presents the possibility of some complex problems and, therefore, this office would advise the officials of the Town of Ardmore, Alabama that the Town of Ardmore can expend municipal funds only for that portion of the building and its facilities which are used to further legitimate activities and functions of the Town of Ardmore, Alabama. It is, therefore, the opinion of this office that under the circumstances outlined above, the Town of Ardmore, Alabama may expend municipal funds for the construction of a joint building to be built on the Alabama - Tennessee state line with the City of Ardmore, Tennessee.

Your second question is whether the Town of Ardmore can pay the expense of a dinner for the employees once a year. If this is a social occasion or involves persons other than employees, the answer is no. If, however, this dinner is held in connection with some type of required in-service training for the employees and is limited only to employees, the answer is yes. See enclosed copy of Opinion to Honorable W. R. Payton, Mayor of Sylacauga, under date of September 14, 1977.

Your final question is whether the Town of Ardmore can legally give bonuses to full-time, part-time and volunteer workers. This question is answered in the negative. See enclosed copy of Opinion to Honorable Jane Phillips under date of January 3, 1978. The Town Council could, if it so chooses, provide a lump sum raise to employees to be paid at a certain time each year as a regular part of their compensation, but this must be set in advance and considered to be a portion of the employee's regular compensation. The term volunteer implies that no pay is to be received. Without additional information regarding the terms of service of such volunteers and whether payment to them would be compensation or expense we are unable to specifically answer your question. In no event could volunteers be given bonuses.

I do hope that this response fully answers your questions. If, however, we may be of additional service, please do not

RESOLUTION NO. 04-12-06

WHEREAS, the City of Red Bay is required by the Alabama Department of Environmental Management to compile a Solid Waste Management Plan to address the solid waste needs of the city for the period of November 2004 to October 2014.

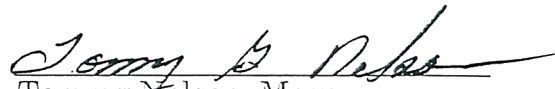
WHEREAS, the City of Red Bay has contracted with Hankins and Reed Engineering to compile the Solid Waste Management Plan.

WHEREAS, the City of Red Bay has reviewed the plan and its recommendations.

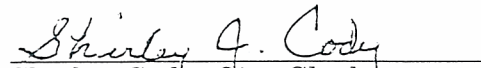
NOW, THEREFORE, be it resolved by the Red Bay City Council that the Solid Waste Management Plan dated November 2004 is accepted and approved.

READ AND ADOPTED, this the day of December, 2004.

CITY OF RED BAY


Tommy Nelson, Mayor

ATTEST:


Shirley Cody, City Clerk

CITY OF RED BAY

RESOLUTION #04-12-06A.

WHEREAS the City Council of the City of Red Bay is desirous of open, informed and efficient City Council meetings; and,

WHEREAS, the City Council of the City of Red Bay has, after careful study and deliberation, determined that it would be in the best interest of the City of Red Bay, its officers, employees and citizens, for the agenda for the regularly scheduled meetings to be made available before the close of the business day on the Thursday preceding the scheduled meeting

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Red Bay, Alabama, that the City Clerk is hereby directed to make the agenda, along with accounts payable, minutes of the previous meeting and any other documents needing approval in accordance with Alabama Law, available for the public by the close of the business day on the Thursday preceding the regularly scheduled meeting.

BE IT FURTHER RESOLVED that the City Clerk is only to place those items on the agenda that is received by the close of the business day on Wednesday before the regularly scheduled meeting.

BE IT FURTHER RESOLVED that any previous ordinance or resolution inconsistent herewith is hereby revoked.

ADOPTED this the 6 day of December, 2004.